

**NEW HAMPSHIRE BOARD OF NURSING
MINUTES
July 18, 2013**

Recorder: Kathryn Dickson, Executive Secretary

TOPIC	DISCUSSION	ACTION
1.0 Call to Meeting	<p>Nursing students welcomed from St. Joseph's School of Nursing and Salter School of Nursing.</p> <p>Welcome extended to Anita Pavlidis, newly hired part-time Program Specialist IV. Anita will be overseeing registered and practical nursing education programs and will bring to Board recommendations and suggestions.</p>	<p>Meeting called to order at 8:00 a.m. with K. Baranowski, Vice-Chair, presiding.</p> <p>Board members present: C. Smith (CS), K. Kidder (KK), B. Fersch (BF), N. Fortin (NF), J. Kuras (JK), B. Libby (BL), A. Finn-Waddell (AF), H. Featherston (HF)</p> <p>Board members absent: R. Duhaime (RD), T. Collins (TC)</p> <p>Board staff present: S. Goodness (SG), K. Dickson (KD), A. Pavlidis (AP), L. Tetreault (LT)</p> <p>Board staff absent: D. Nies (DN)</p>
1.1 Open Forum	Gene Harkless, DON, UNH, and Sue Fetzer, UNH faculty, presented responses to Board questions of June 20, 2013 meeting regarding Dedicated Education Unit concept.	
1.2 Addendum		
1.2.1 Additions		<p>1.1 UNH, 8:00 appearance</p> <p>7.5.2 K. S.</p> <p>8.1.3.1 J. Lynch, RN, Additional documentation</p> <p>9.1.1.1 L. Brodien, Additional documentation</p> <p>10.1.1 Calendar for site visits (AP)</p> <p>11.3.3.1 Additional questions re: LNA oxygen administration</p> <p>11.3.4 RN/LPN scope of practice Epi and lidocaine injections</p>
1.2.2 Deletions	None	
1.3 Appearances		<p>4.1 J. Barnes 8:30 a.m.</p> <p>7.1.1 A. Hunt 8:45 a.m.</p> <p>7.1.2 A. Adams 9:30 a.m.</p> <p>7.1.3 S. Leclerc 10:00 a.m.</p>

TOPIC	DISCUSSION	ACTION
		7.1.4 T. Ingram 10:30 a.m. 7.1.5 J. Ahearn 11:00 a.m. 7.1.6 D. Deleary 11:15 a.m. 7.1.7 C. Campbell 12:00 noon 8.1.3 J. Lynch 1:00 p.m. 8.1.4 P. Johnson 1:10 p.m. 8.1.1 L. Scarpino 1:20 p.m. 9.1.1 L. Brodien 1:25 p.m. 9.1.2 T. Perkins 1:30 p.m. 11.3.1 C. Bishop via phone 1:35 p.m. 9.2.2 K. Guptill 2:00 p.m.
7.0 Adjudicative (Investigator/Prosecutor) 7.2 Consent Decree/Settlement Agreement/ Voluntary Surrender/ Reciprocal Discipline/Practice Restrictions 7.2.1 C. George, RN (VS) #039492-21 7.2.2 M. Bower, LNA (VS) #023501-24 7.2.3 S. Levesque, RN (VS) #0651785-21 7.2.4 S. Leclerc, RN (SA) #063368-21 7.4 Dismissals (Proposed) 7.4.1 K. B., RN (BF recused) 7.4.2 J. B., RN (BF recused)	Previously reviewed. Previously reviewed. Previously reviewed. Previously reviewed. Previously reviewed. Previously reviewed.	M/JK, S/BL to accept Voluntary Surrender as signed. Unanimous. M/JK, S/BL to accept Voluntary Surrender as signed. Unanimous. M/JK, S/BL to accept Voluntary Surrender as signed. Unanimous. M/JK, S/BL to accept Settlement Agreement as signed. Unanimous. BF recused. M/NF, S/JK to accept recommendations as proposed. Unanimous. BF recused. M/NF, S/JK to accept recommendations as proposed. Unanimous.

TOPIC		DISCUSSION	ACTION
7.4.3	L. F., RN (BF recused)	Previously reviewed.	BF recused. M/NF, S/JK to accept recommendations as proposed. Unanimous.
7.4.4	N. M., RN (BF recused)	Previously reviewed.	BF recused. M/NF, S/JK to accept recommendations as proposed. Unanimous.
7.4.5	F. W., RN (BF recused)	Previously reviewed.	BF recused. M/NF, S/JK to accept recommendations as proposed. Unanimous.
7.4.6	R. P., RN (BF recused)	Previously reviewed.	BF recused. M/NF, S/JK to accept recommendations as proposed. Unanimous.
7.4.7	T. B., LPN (BF recused)	Previously reviewed.	BF recused. M/NF, S/JK to accept recommendations as proposed. Unanimous.
7.4.8	A. D., LNA (BF recused)	Previously reviewed.	M/NF, S/JK to accept recommendations as proposed. Unanimous.
7.4.9	J. M., RN (BF recused)	Previously reviewed.	BF recused. M/NF, S/JK to accept recommendations as proposed. Unanimous.
7.4.10	L. C., LNA (BF recused)	Previously reviewed.	BF recused. M/NF, S/JK to accept recommendations as proposed. Unanimous.
7.4.11	A. C., LNA (BF recused)	Previously reviewed.	BF recused. M/NF, S/JK to accept recommendations as proposed.

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7.4.12 L. H., LPN (BF recused)	Previously reviewed.	Unanimous. BF recused. M/NF, S/JK to accept recommendations as proposed. Unanimous.
7.4.13 D. B., LPN (BF recused)	Previously reviewed.	BF recused. M/NF, S/JK to accept recommendations as proposed. Unanimous.
7.4.14 C. B., LNA (BF recused)	Previously reviewed.	BF recused. M/NF, S/JK to accept recommendations as proposed. Unanimous.
7.4.15 S. H., RN (BF recused)	Removed from Consent Agenda for discussion.	BF recused. M/NF, S/JK to accept recommendations as proposed. Unanimous.
7.4.16 D. B., APRN (BF recused)	Previously reviewed.	BF recused. M/NF, S/JK to accept recommendations as proposed. Unanimous.
7.4.17 S. N., LNA (BF recused)	Previously reviewed.	BF recused M/NF, S/JK to accept recommendations as proposed. Unanimous.
7.4.18 J. R. (BF recused)	Previously reviewed.	BF recused. M/NF, S/JK to accept recommendations as proposed. Unanimous.
7.4.19 J. P. (BF recused)	Previously reviewed.	BF recused. M/NF, S/JK to accept recommendations as proposed. Unanimous.

TOPIC	DISCUSSION	ACTION
7.4.20 B. H., RN (BF recused)	Previously reviewed.	BF recused. M/NF, S/JK to accept recommendations as proposed. Unanimous.
7.4.21 M. H., RN (BF recused)	Previously reviewed.	BF recused. M/NF, S/JK to accept recommendations as proposed. Unanimous.
7.4.22 R. G., RN (BF recused)	Previously reviewed.	BF recused. M/NF, S/JK to accept recommendations as proposed. Unanimous.
7.4.23 J. L., APRN (KK recused)	Previously reviewed.	KK recused. M/NF, S/JK to accept recommendations as proposed. Unanimous.
7.4.24 L. H., RN (KK recused)	Previously reviewed.	KK recused. M/NF, S/JK to accept recommendations as proposed. Unanimous.
7.4.25 H. G., APRN (KK recused)	Previously reviewed.	KK recused. M/NF, S/JK to accept recommendations as proposed. Unanimous.
7.4.26 E. G., APRN (KK recused)	Previously reviewed.	KK recused. M/NF, S/JK to accept recommendations as proposed. Unanimous.
7.4.27 L. H., APRN	Previously reviewed.	M/NF, S/JK to accept recommendations as proposed. Unanimous.
7.5 Recommendations (Proposed) 7.5.1 J. B.	Previously reviewed.	M/NF, S/JK to accept recommendations as proposed.

TOPIC		DISCUSSION	ACTION
9.0	Licensure		Unanimous.
	9.2 Licensure (non-appearance)		M/NF, S/JK to accept recommendations as proposed to seek public discipline. Unanimous.
	9.2.1 K. L.	Previously reviewed.	
	9.2.3 W.K.	Previously reviewed.	M/KK, S/JK to permit LNA licensure in NH. Unanimous.
	9.2.4 K.C.	Previously reviewed.	M/KK, S/JK to permit LNA licensure in NH. Unanimous.
	9.2.5 A.B.	Previously reviewed.	M/KK, S/JK to permit LNA licensure in NH. Unanimous.
	9.2.6 E.G.	Previously reviewed.	M/KK, S/JK to permit LNA licensure in NH. Unanimous.
	9.2.7 M.T.	Previously reviewed.	M/KK, S/JK to permit LNA licensure in NH. Unanimous.
	9.2.8 D.M.	Previously reviewed.	M/KK, S/JK to permit LNA licensure in NH. Unanimous.
	9.2.9 K.B.	Previously reviewed.	M/KK, S/JK to permit KB to sit for NCLEX in NH. Unanimous.
	9.2.10 A.S.	Previously reviewed.	M/KK, S/JK to permit LNA licensure in NH. Unanimous.
	9.2.11 J.L.	Previously reviewed.	M/KK, S/JK to permit LNA licensure in NH. Unanimous.
	9.2.12 D.C.	Previously reviewed.	M/KK, S/JK to permit D. C. to sit for NCLEX in NH. Unanimous.

TOPIC	DISCUSSION	ACTION
9.2.13 C-R.G.	Previously reviewed.	M/KK, S/JK to permit LNA licensure in NH. Unanimous.
9.2.14 C.M.	Previously reviewed.	M/KK, S/JK to permit LNA licensure in NH. Unanimous.
2.0 Approval of minutes 2.1 June 20, 2013 Regular Board meeting 2.2 July 3, 2013 Emergency meeting	Reviewed and discussed. Reviewed and discussed.	M/HF, S/CS to approve minutes as written. Unanimous. M/AF, S/CS to approve minutes as written. Unanimous.
4.0 Report of Executive Director/Staff 4.1 Expense Summary Budget 4.2 Disciplinary fine report	J. Barnes reviewed Budget with Board members. Reviewed and discussed disciplinary fines.	
6.0 Report of Investigator/Prosecutor 6.1 Open files	Reviewed open files with LO. LO informed Board that representative from NCSBN will be attending the September Board meeting with presentation on "Just Culture".	
11.0 Practice Inquiries and Practice Committee Reports 11.1 Liaison (KK) 11.2 P & E Committee (NF) 11.3 Request for Board advice re: 11.3.1 RN Scope of practice: Infuse/inject antibiotics through catheter 11.3.2 LNA Scope of practice: Inserting contact lenses	KK reported on June meeting. Discussion of implementation of APRN compact. Liaison Committee asked for Board support to vote against implementation of APRN compact at NCSBN meeting in August. No meeting. Discussed question with Corinne Bishop, RN, via telephone, of whether or not it is within RN scope of practice for RN or LPN in skilled nursing facility to infuse/inject antibiotics into intra-articular space through catheter that has been placed by provider. She is doing research on procedure and would like feedback from different states. Reviewed and discussed whether or not it is within LNA scope of practice to insert contact lenses in	M/NF, S/JK to vote against implementation of APRN compact. Too restricting on practice of NH APRNs. Unanimous. Board consensus to have Ms. Bishop send draft of procedure and any research and policies available for further deliberation with P & E Committee. M/BL, S/AF that it is within LNA scope of practice to insert contact lenses.

TOPIC	DISCUSSION	ACTION
11.3.3 LNA Scope of practice: Oxygen therapy role	residents' eyes. Reviewed and discuss role of LNAs with regard to administration of oxygen and following questions: <ul style="list-style-type: none"> • Can LNA set flow rate for patient's oxygen? • Can LNA turn on machine that has preset flow rate? 	Unanimous. M/NF, S/BL to affirm that it is within LNA scope of practice to assist with oxygen therapy in accordance with Nur 404.12. Yes, LNA may set flow rate for stable patient's oxygen with routine order and education, competencies and delegation. Yes, LNA may turn on machine that has preset flow rate. Unanimous.
11.3.4 RN/LPN scope of practice Epi and lidocaine injections	Email received for guidance about femoral sheath sites and whether or not nurse would be able to administer epi and lido injections to femoral site s/p perclose insertion if site is oozing.	Board requested further information for clarification.
12.0 Committee Reports and Recommendations 12.1 HeM 1201 (TC) 12.2 Day of Discussion 12.2.1 RN/LPN Day of Discussion 12.2.2 LNA Day of Discussion 12.3 ADA (NF, AF, TC)	No meeting. Nothing scheduled at this time. Tentatively planning MNA Day of Discussion. No applicants.	
13.0 Legislation 13.1 HB 469	FYI.	
7.0 Adjudicative (Investigator/Prosecutor) 7.1 Hearings 7.1.1 A. Hunt, APRN #030705-23 7.1.2 A. Adams, LNA #034304-24	Reviewed and discussed Motion to Continue hearing until August 15, 2013. Hearing held for A. Adams, LNA #034304-24, Docket #13-0607-0368-NA, pursuant to the Nurse Practice Act RSA 326-B and the administrative rules, Chapter 100 - 800, proceeded at 9:25 a.m. with K. Baranowski, Vice-chair presiding. Board members present: C. Smith (CS), K. Kidder (KK), B. Fersch (BF), N. Fortin (NF), J. Kuras (JK), B. Libby (BL), A. Finn-Waddell (AF), H. Featherston (HF)	M/JK, S/NF to grant Motion to Continue until August 15, 2013. Unanimous. M/NF, S/JK to affirm Hearing Counsel's Proposed Findings of Facts #1 – 18, and #20, amend #19 and #21; affirm Hearing Counsel's Proposed Rulings of Law #1; affirm Proposed Sanctions #2 - #7; amend Proposed Sanctions #1 to SUSPEND LNA license for two years and assess monetary penalty of \$500 to be paid within 90 days from effective date of Boards order. Unanimous.

TOPIC	DISCUSSION	ACTION
	<p>Board staff present: S. Goodness (SG), K. Dickson (KD), L. O'Connor (LO), Hearing Counsel for Board Reading of Notice of Hearing waived. Exhibit #10 and Exhibit A were presented to Board. Respondent present to offer testimony. Witnesses present to offer testimony: Susan Goodness, Administrative Supervisor, NH Board of Nursing Hearing concluded at 10:27 a.m.</p> <p>M/JK, S/CS to conduct non-public session for purpose of discussion of alleged licensee misconduct. Non-public session is authorized by RSA 91-A:3 II and Board's executive and deliberative privileges. Minutes of non-public session shall be sealed. Board voted as follows: Yea: KB, CS, KK, BF, NF, JK, BL, AF, HF Non-public session began at 10:28 a.m. and concluded at 10:40 a.m.</p>	<p>(See Docket #13-0607-0368-NA)</p>
<p>7.1.3 S. Leclerc, RN #063368-21</p>	<p>Settlement Agreement signed in lieu of hearing.</p>	<p>NF excused at 10:40 a.m.</p>
<p>7.1.4 T. Ingram, LNA #047060-24</p>	<p>Hearing held in absentia for T. Ingram, LNA #047060-24, Docket #13-0617-0372-NA, pursuant to the Nurse Practice Act RSA 326-B and the administrative rules, Chapter 100 - 800, proceeded at 10:45 a.m. with K. Baranowski, Vice-Chair presiding. Board members present: C. Smith (CS), K. Kidder (KK), B. Fersch (BF), J. Kuras (JK), B. Libby (BL), A. Finn-Waddell (AF), H. Featherston (HF). Board staff present: S. Goodness (SG), K. Dickson (KD), L. O'Connor (LO), Hearing Counsel for Board Reading of Notice of Hearing waived. Witnesses present to offer testimony: Lori Shibinette, RN, NHA, Merrimack County Nursing Home Hearing concluded at 10:55 a.m.</p>	<p>M/BL, S/AF to affirm Hearing Counsel's Proposed Findings of Facts #1 - #15; affirm Hearing Counsel's Proposed Rulings of Law #1 - #4; affirm Proposed Sanctions #2 - #7; amend Proposed Sanctions #1 to REVOKE LNA license and assess monetary penalty of \$1000 to be paid within 90 days from effective date of Board's order. Unanimous. (See Docket #13-0617-0372-NA)</p>
<p>7.1.5 J. Ahearn, RN #065817-21</p>	<p>Hearing held in absentia for J. Ahearn, RN #065817-21, Docket #13-0607-0370, pursuant to the Nurse</p>	<p>M/JK, S/KK to affirm Hearing Counsel's Proposed Findings of Facts #1 - 6; affirm Hearing Counsel's</p>

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<p>7.1.6 D. Deleary, LPN #013478-22</p>	<p>Practice Act RSA 326-B and the administrative rules, Chapter 100 - 800, proceeded at 11:02 a.m. with K. Baranowski, Vice-Chair presiding. Hearing to Show Cause regarding discipline imposed by the Commonwealth of Massachusetts.</p> <p>Board members present: C. Smith (CS), K. Kidder (KK), B. Fersch (BF), J. Kuras (JK), B. Libby (BL), A. Finn-Waddell (AF), H. Featherston (HF).</p> <p>Board staff present: S. Goodness (SG), K. Dickson (KD), L. O'Connor (LO), Hearing Counsel for Board</p> <p>Reading of Notice of Hearing waived.</p> <p>Hearing concluded at 11:05 a.m.</p> <p>M/JK, S/KK to conduct non-public session for purpose of discussion of alleged licensee misconduct. Non-public session is authorized by RSA 91-A:3 II and Board's executive and deliberative privileges. Minutes of non-public session shall be sealed. Board voted as follows:</p> <p>Yea: KB, CS, KK, BF, JK, BL, AF, HF</p> <p>Non-public session began at 11:09 a.m. and concluded at 11:19 a.m.</p> <p>Hearing held for D. Deleary, LPN #013478-22, Docket #12-1228-0352, pursuant to the Nurse Practice Act RSA 326-B and the administrative rules, Chapter 100 - 800, proceeded at 11:23 a.m. with K. Baranowski, Vice-chair presiding.</p> <p>Board members present: C. Smith (CS), K. Kidder (KK), B. Fersch (BF), J. Kuras (JK), B. Libby (BL), A. Finn-Waddell (AF), H. Featherston (HF)</p> <p>Board staff present: S. Goodness (SG), K. Dickson (KD), L. O'Connor (LO), Hearing Counsel for Board</p> <p>Reading of Notice of Hearing waived.</p> <p>Respondent present to offer testimony.</p> <p>Witnesses present to offer testimony:</p> <p>Carol Sillars Young, RN, Merrimack County Department of Corrections</p> <p>Kim Deschenes, RN, Merrimack County Department of Corrections</p> <p>Hearing concluded at 12:24 p.m.</p>	<p>Proposed Rulings of Law #1; affirm Proposed Sanctions #1 - #7 to impose reciprocal discipline REVOKING Respondent's NH RN license. Monetary penalty of \$500 assessed to be paid within 90 days from effective date of Board's order.</p> <p>Unanimous.</p> <p>(See Docket #13-0607-0370)</p> <p>M/KK, S/AF to affirm Hearing Counsel's Proposed Findings of Facts #1 - #26; affirm Hearing Counsel's Proposed Rulings of Law #1 - #3; affirm Proposed Sanctions #2 - #7; amend Proposed Sanctions #1 to SUSPEND LPN license for one year and assess monetary penalty of \$250 to be paid within 90 days from effective date of Board's order. Respondent shall successfully complete medication administration course before license is reinstated.</p> <p>Unanimous.</p> <p>(See Docket #12-1228-0352)</p>

TOPIC	DISCUSSION	ACTION
<p>7.1.7 C. Campbell, LNA #019226-24</p>	<p>Hearing held in absentia for C. Campbell, LNA #019226-24, Docket #13-0701-0376-NA, pursuant to the Nurse Practice Act RSA 326-B and the administrative rules, Chapter 100 - 800, proceeded at 12:26 p.m. with K. Baranowski, Vice-Chair presiding. Board members present: C. Smith (CS), K. Kidder (KK), B. Fersch (BF), J. Kuras (JK), B. Libby (BL), A. Finn-Waddell (AF), H. Featherston (HF). Board staff present: S. Goodness (SG), K. Dickson (KD), L. O'Connor (LO), Hearing Counsel for Board Reading of Notice of Hearing waived. Hearing concluded at 12:29 p.m.</p> <p>M/JK, S/KK to conduct non-public session for purpose of discussion of alleged licensee misconduct. Non-public session is authorized by RSA 91-A:3 II and Board's executive and deliberative privileges. Minutes of non-public session shall be sealed. Board voted as follows: Yea: KB, CS, KK, BF, JK, BL, AF, HF Non-public session began at 12:30 p.m. and concluded at 1:15 p.m.</p>	<p>M/JK, S/CS to affirm Hearing Counsel's Proposed Findings of Facts #1 - #7; affirm Hearing Counsel's Proposed Rulings of Law#1; affirm Proposed Sanctions #2 - #7; amend Proposed Sanctions #1 to SUSPEND LNA license for one year and assess monetary penalty of \$750 to be paid within 90 days from effective date of Board's order. Unanimous.</p>
<p>8.0 Adjudicative (Executive Director)</p> <p>8.1 Requests for Reinstatement, Removal of Probation, Restrictions, Modifications or Conditions</p> <p>8.1.3 J. Lynch, RN #048248-21</p> <p>8.1.2 P. Johnson, LPN #006359-22</p> <p>8.1.1 L. Scarpino, LNA #012940-24</p>	<p>J. Lynch presented oral testimony in support of petition for removal of probation from NH RN license.</p> <p>P. Johnson presented oral testimony in support of petition for removal of all stipulations on LPN license.</p> <p>L. Scarpino presented oral testimony in support of petition to reinstate LNA practice privileges.</p>	<p>M/KK, S/AF to remove probation from NH RN license. Unanimous.</p> <p>M/KK, S/AF to remove all stipulations from NH LPN license. Unanimous.</p> <p>M/KK, S/AF to reinstate LNA license with stipulations and conditions as noted in December 19, 2002 Settlement Agreement and upon successful completion of competency testing Unanimous.</p>

TOPIC	DISCUSSION	ACTION
9.0 Licensure 9.1 Licensure 9.1.1 L. Brodien Inactive RN #029613-21 9.1.2 T. Perkins LNA endorsement applicant 9.2.2 K. Guptill LNA licensure 9.1.3 J. Herrstain, RN endorsement	L. Brodien would like to obtain NH LNA license and inquired as to whether probationary conditions on inactive RN license would carry over to LNA license. T. Perkins presented oral testimony in support of petition to obtain LNA licensure in NH. K. Guptill presented oral testimony in support of petition to obtain LNA licensure in NH. Reviewed and discussed foreign applicant for NH RN license by endorsement and nursing curriculum completed.	M/BL, S/CS to conclude that L. Brodien is not eligible to become LNA in NH pursuant to Nur 704.11. Unanimous. M/KK, S/BL to allow T. Perkins to obtain LNA licensure in NH. Unanimous. M/CS, S/BF to allow K. Guptill to obtain LNA licensure in NH. Unanimous. M/JK, S/BL to allow J. Herrstain to obtain RN licensure in NH by endorsement. Unanimous.
10.0 Education 10.3 Educational Issues 10.3.1 Continuing Competency (LT, AP) 10.0 Education 10.1 Continuing Approval 10.1.1 Plans for site visits (AP)	Reviewed activities eligible for continuing education after receipt of email request for clarification. AP presented Board with plans for site visits to nursing programs and discussed procedure.	Board affirmed that any certifying programs designed to update clinical skills or competency meet continuing education requirements for licensure renewal. NF joined Board at 2:17 p.m.
16.0 Correspondence/Articles/FYIs 16.1 Results of 2012 CORE Report 16.2 Thank-you letter received from licensee 16.3 NCSBN 2012 Annual Meeting Update	FYI. FYI. FYI.	
17.0 Adjournment		Meeting adjourned at 2:50 p.m.

TOPIC	DISCUSSION	ACTION
	<p>Next regular meeting: August 15, 2013 8:00 a.m. NH Board of Nursing Education Conference Room 100 First Floor 21 South St Concord, NH 03301</p>	<p>Respectfully submitted,</p> <p>Denise Nies, MSN, RN, BC Executive Director</p>